

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:18-CR-00108-
	§	ALM-AGD
ANTONIO ZARRAGA (1)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Antonio Zarraga's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on August 26, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Douglas Schopmeyer of the Federal Public Defender's Office. The Government was represented by Michael Anderson.

Defendant was sentenced on March 15, 2019, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute Cocaine, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 19 and a criminal history category of III, was 37 to 46 months. Defendant was subsequently sentenced to 42 months imprisonment followed by a 3-year term of supervised release subject to the standard conditions of release, plus special conditions to include deportation, submission of financial information, alcohol and substance abuse testing and treatment and a \$100 special assessment. On August 6, 2021, Defendant completed his period of imprisonment and began service of the supervision term. (Dkt. #213 at p. 1, Sealed).

On May 12, 2023, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. #203, Sealed). The Petition asserts that Defendant violated four (4) conditions of supervision, as follows: (1) Mandatory Condition Defendant shall not commit another federal, state, or local crime; (2) Mandatory Condition Defendant must not unlawfully possess a controlled substance; (3) Mandatory Condition Defendant shall not commit another federal, state, or local crime; and (4) Special Condition As a condition of supervised release, immediately upon release from confinement, Defendant must be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq. If ordered deported, Defendant must remain outside the United States. In the event Defendant is not deported, or for any reason re-enters the country after having been deported, Defendant must comply with all conditions of supervised release, to include reporting to the nearest United States Probation Office within 72 hours of release by immigration officials or re-entry into the county. (Dkt. #203 at pp. 1–2, Sealed).

The Petition alleges that Defendant committed the following acts: (1) & (2) On or about April 24, 2023, Defendant was arrested by the Plano, Texas Police Department for the offenses of Driving While Intoxicated and Possession of a Controlled Substance – Cocaine, a State Jail Felony. Defendant was pulled over after officers noticed he was driving a vehicle with no front license plate. There were several unsealed beer bottles on the front passenger seat, front and rear passenger side floorboards, and in the front passenger door pocket. A small crystalline baggie containing suspected cocaine was found under the rear passenger floor mat. Defendant did not cooperate with a field sobriety test, so a blood draw was obtained. Bond was set at \$1,500.00, and the charges remained pending at the time of the Petition; (3) On May 4, 2023, a federal Complaint was filed

in the United States District Court for the Eastern District of Texas under Case No. 4:23-mj-00194M-001, charging Antonio Salvador Garcia with Reentry of a Deported Alien in violation of Title 8 U.S.C. § 1326(a). *See* 4:23-cr-105. It is alleged that Mr. Garcia was found by ICE officials in the Eastern District of Texas while he was in the custody of the Plano Police Department and had not received permission from the Secretary of the Department of Homeland Security to reenter the United States after having been previously removed on August 6, 2021. The Complaint was filed under Defendant's alias of Antonio Salvador Garcia; and (4) Defendant failed to remain outside the United States after having been deported to Mexico on August 6, 2021, as evidenced by his arrest in the city of Plano, Texas on April 24, 2023. (Dkt. #203 at pp. 1–2, Sealed).

Prior to the Government putting on its case at the final revocation hearing, Defendant entered a plea of true to allegation 3 in the Petition. The Government moved to dismiss allegations 1, 2, and 4 of the Petition. Having considered the Petition and the plea of true to allegation 3, the court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

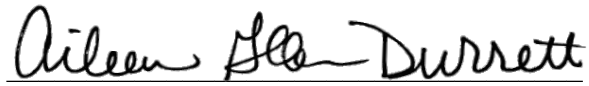
### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of twelve (12) months and one (1) day, to run consecutively to the sentence imposed in 4:23-cr-105, with no term of supervised release to follow.

The court also recommends the Government's motion to dismiss allegations 1, 2, and 4 be granted.

The court finally recommends that Defendant be housed in a Bureau of Prisons facility in the Beaumont, Texas area, if appropriate.

**SIGNED this 4th day of October, 2024.**

A handwritten signature in black ink, reading "Aileen Goldman Durrett". The signature is written in a cursive, flowing style. The first name "Aileen" is written in a larger, more prominent script, followed by "Goldman" and "Durrett". The signature is positioned above a horizontal line.

AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE